

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12639 of Robert G. and Richard Wilner, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and lot width (Sub-section 3301.1), lot occupancy (Sub-section 3303.1) and open court requirements (Sub-section 3306.1) to allow a subdivision of one existing lot into three lots one of which contains an existing structure in the R-4 District at the premises 746 - 13th St., S.E., (Square 1045, Lot 805).

HEARING DATE: April 26, 1978

DECISION DATE: May 3, 1978

FINDINGS OF FACT:

1. The subject lot is located at 746 - 13th St., S.E. and is in an R-4 District.

2. The subject lot is 5,230 sq. ft. in area and is improved with one vacant, boarded up, two story brick dwelling.

3. The brick structure is adjoined on both sides by vacant areas of 1,581 and 1837 square feet respectively. The vacant areas are covered with patches of grass, trash and debris. Adjoining the vacant areas are two story row houses whose exterior facades appear in good condition. These row houses are situated on lots which range from 1,200 to 2,000 square feet in area. On the opposite side of 13th Street across from the site is a government subsidized garden apartment complex. To the rear of the site separated by an alley is a large undeveloped area and a car wash which fronts along Pennsylvania Avenue. The Potomac Avenue Metro Station is located along Pennsylvania Avenue at 14th Street and Potomac Avenue.

4. The applicant proposes to refurbish the existing brick structure and construct a three story building on each side.

5. The proposed unit on proposed Lot A, to be known as 744 13th St., requires a variance of 219.17 sq. ft. (12.18 percent) from the 1800 square foot minimum lot size and 0.91 feet (five percent) from the minimum width requirement of eighteen feet. Approval of the application will result in an improved 1500.83 square foot lot. The existing unit on proposed Lot B, at 746 13th Street, would exceed the allowable sixty percent lot occupancy and requires a variance of 94.92 square feet. A 1.24 foot variance (20.66 percent) from the six foot open court requirement is also required. The remaining unit on proposed Lot C, to be known as 748 13th Street, complies with all requirements of the Zoning Regulations and is not a part of this application.

6. The subject site, Lot 805, was improved with a single family dwelling constructed in about 1884. This structure was unusually constructed as it has no windows on its north wall. Therefore, although erected in approximately the middle of a large lot, it is evident that even at the time of original construction, it was intended that this structure at some future date would be attached on its north wall. Furthermore, existing semi-detached structures both north and south of the subject site have no windows on their respective walls facing the site.

7. The site is located in a square which is split zoned, C-2-A, C-2-B and R-4. Of the other R-4 structures in the square, none is on a conforming lot. All are situated upon lots which are either too narrow, do not have enough lot area, or both, to meet the minimum requirements of the R-4 District.

8. The structure located at the premises 746 - 13th St., S.E., is not centered on the lot but has a side yard to its south of 17 feet. The side yard to the north is almost 20 feet.

9. The existing structure located on Lot 805 is approximately 60 feet in length and 19.6 feet in width. The building contains more gross floor area than any other R-4 structure in the square. When placed upon a subdivided lot, this large structure exceeds the lot occupancy requirements of the R-4 District by eight percent. In addition, due to design, the structure has a court width of 4.7 feet, less than the minimum required.

10. The applicants submitted a petition of surrounding property owners in support of the proposed development.

11. An abutting property owner of premises 742 - 13th St., S.E., to the north of the subject site appeared at the public hearing in order to determine the nature of the proposed development. The applicants agreed to meet on site with the abutting owner, explain the development and submit a letter of understanding among the parties to the Board. The letter of understanding has been received by the Board and states that the abutting owner understands the proposed development and is not in opposition to it.

12. No opposition to the granting of the application was registered at the public hearing.

13. The Municipal Planning Office, by report dated, April 18, 1975, recommended approval of the application on the grounds that approval of the application will bring about a continuity of building facades along the east side of 13th Street, which will improve the general appearance of the neighborhood, the development of the two vacant littered areas with row dwellings will increase the housing stock available for home ownership and that the relief can be granted without detriment to the public good and without impairing the intent purpose and integrity of the zoning regulations and map. The Board so finds.

14. Advisory Neighborhood Commission 6B, by letter of April 24, 1978, endorsed the application on the grounds that after canvassing the views of the neighborhood, it found no opposition to the application and that the proposed development of the site is preferable to its present neglected state.

CONCLUSIONS OF LAW AND OPINION

The applicant seeks area variances the granting of which requires a showing of a practical difficulty stemming from the property itself. Under the strict application of the Zoning Regulations, the subject site can be divided into only two lots as a matter of right, leaving a remaining area over seventeen feet in width containing approximately 1,580 square feet south of the existing structure located on the premises vacant. Such lot area is larger than most of the lots in the vicinity of the subject site. Despite this size, the lot does not contain enough area to permit of right. The site has sufficient width (56.54 feet) to subdivide into three conforming lots. If the existing structure were centered on Lot 805, the proposed south lot, would have a lot width in excess of eighteen feet. The existing location of the structure creates an area suitable for the building of a row dwelling but has a lot width and lot area below the minimum required by the Zoning Regulations.

The Board concludes that the practical difficulty is inherent in the property itself. The Board further concludes that the strict application of the Zoning Regulations would prevent the erection of a flat on proposed Lot A in an area where that use is permitted as a matter of right. This would result in approximately 1,580 square feet of land being forced to lie idle which could be put to a useful purpose through providing much needed housing for residents of the District of Columbia. No reasonable use of the part of the subject site may be made without the granting of the relief sought. The Board is further of the

opinion that the relief can be granted without opinion that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris and Leonard L. McCants to grant, Chloethiel Woodard Smith not voting, not having heard the case)



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 JUN 1978